

21 C.J.S. Courts § 20

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

C. Jurisdiction of Subject Matter or Cause of Action

1. General Considerations

§ 20. Nature of action or relief within subject matter jurisdiction—Transitory or local actions

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Subject matter jurisdiction of a local cause of action, as concerning real property, is exclusively in the state where the property is located, but transitory or personal actions may be brought in any state regardless of where the cause of action arose.

The local action rule pertains to state court subject matter jurisdiction¹ and maintains that an action or remedy for injuries done to land situated beyond the boundaries of the state, when no part of the act resulting in injury was performed or committed within the state, is purely local and cannot be maintained in any state court other than the jurisdiction where the land is situated.² Courts generally have no jurisdiction in actions relating to land located outside their territorial boundaries,³ particularly actions to determine title to land.⁴ If the crux of the action does not hinge on resolution of issues specific to the land, but upon conduct of the person, the cause is transitory.⁵

An action to determine personal interests in real property, other than title, is transitory and not local, such as spouses' marital rights in property.⁶

A transitory or personal action is one predicated on a right of action that follows the person, irrespective of where the cause of action arose,⁷ and the transitory action may be brought in any court of competent jurisdiction in which jurisdiction over the person can be obtained.⁸ There must be, however, a well-founded belief that there was a cause of action in the other place.⁹ Jurisdiction of a transitory action is determined by the law of the court's creation and is not defeated by the extraterritorial operation of a state statute in the state that created the right of action.¹⁰

An action on contract is, as a general rule, transitory,¹¹ even where real property is involved,¹² as is a tort action.¹³

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Footnotes

- 1 Fla.—*Floridian Community Bank, Inc. v. Bloom*, 25 So. 3d 43 (Fla. 4th DCA 2009).
- 2 Tex.—*Danish Leasegroup, Inc. v. York Oil & Gas Management, Inc.*, 362 S.W.3d 220 (Tex. App. Dallas 2012).
- 3 Fla.—*Floridian Community Bank, Inc. v. Bloom*, 25 So. 3d 43 (Fla. 4th DCA 2009).
Tex.—*Merit Management Partners I, L.P. v. Noelke*, 266 S.W.3d 637 (Tex. App. Austin 2008).
- 4 Tex.—*Merit Management Partners I, L.P. v. Noelke*, 266 S.W.3d 637 (Tex. App. Austin 2008).
Wash.—*In re Marriage of Kowalewski*, 163 Wash. 2d 542, 182 P.3d 959 (2008).
- 5 Tex.—*Danish Leasegroup, Inc. v. York Oil & Gas Management, Inc.*, 362 S.W.3d 220 (Tex. App. Dallas 2012).
- 6 Wash.—*In re Marriage of Kowalewski*, 163 Wash. 2d 542, 182 P.3d 959 (2008).
- 7 Tenn.—*Freeman v. CSX Transp., Inc.*, 359 S.W.3d 171 (Tenn. Ct. App. 2010).
Tex.—*Greenpeace, Inc. v. Exxon Mobil Corp.*, 133 S.W.3d 804 (Tex. App. Dallas 2004).
- 8 Mo.—*Wilson v. Celestial Greetings, Inc.*, 896 S.W.2d 759 (Mo. Ct. App. W.D. 1995).
Wash.—*Mendoza v. Neudorfer Engineers, Inc.*, 145 Wash. App. 146, 185 P.3d 1204 (Div. 2 2008).
- 9 U.S.—*Kiobel v. Royal Dutch Petroleum Co.*, 133 S. Ct. 1659, 185 L. Ed. 2d 671 (2013).
- 10 U.S.—*Marshall v. Marshall*, 547 U.S. 293, 126 S. Ct. 1735, 164 L. Ed. 2d 480 (2006).
- 11 Ala.—*Rose v. Delaney*, 576 So. 2d 232 (Ala. 1991).

- 12 Tex.—[Day & Zimmermann, Inc. v. Hatridge](#), 831 S.W.2d 65 (Tex. App. Texarkana 1992), writ denied, (Oct. 7, 1992).
- Ala.—[Ex parte Teledyne Exploration](#), 436 So. 2d 880 (Ala. 1983).
- Miss.—[Anderson v. Sonat Exploration Co.](#), 523 So. 2d 1024 (Miss. 1988).
- N.Y.—[Weiss v. Weiss](#), 186 A.D.2d 247, 588 N.Y.S.2d 308 (2d Dep't 1992).
- 13 Wash.—[Mendoza v. Neudorfer Engineers, Inc.](#), 145 Wash. App. 146, 185 P.3d 1204 (Div. 2 2008).

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